

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MURRAY H. KIMMEL, et al.	:	CIVIL ACTION
	:	
v.	:	
	:	
PHELAN HALLINAN &	:	
SCHMIEG, PC, et al.	:	NO. 11-2596

ORDER

And now, this 28th day of February, 2012, upon consideration of plaintiffs Murray H. and Dolores T. Kimmel's ("the Kimmels'") complaint (docket entry # 1), defendant Phelan Hallinan & Schmieg, PC's ("PHS's") motion to dismiss for improper venue (docket entry # 4) and supplemental brief in support thereof (docket entry # 10), defendants America's Servicing Co. ("ASC") and Deutsche Bank National Trust Company's ("Deutsche Bank's") motion to dismiss (docket entry # 5), the Kimmels' responses in opposition to defendants' motions to dismiss (docket entries # 11 and 12), PHS's January 11, 2012 letter, and the Kimmels' memorandum in opposition to PHS's supplemental brief (docket entry # 14), and upon the analysis set forth in the accompanying Memorandum, it is hereby ORDERED that:

1. Defendant PHS's motion to dismiss for improper venue (docket entry # 4) is DENIED;

2. Deutsche Bank and ASC's motion to dismiss, in which PHS joined (docket entry # 5), is GRANTED IN PART;

3. Count I of the Kimmels' complaint (docket entry # 1) is DISMISSED as to all defendants;

4. Counts III, IV, V, and VI of the Kimmels' complaint are DISMISSED WITH PREJUDICE as to all defendants; and

5. By March 9, 2012, the Kimmels are GRANTED LEAVE TO FILE an amended complaint asserting revised claims under the FDCPA and FCEUA only, to which defendants shall RESPOND by March 23, 2012.

BY THE COURT:

___\s\Stewart Dalzell